

REMARKS

Reconsideration and allowance of this application, as amended, is respectfully requested.

This Amendment is in response to the Final Office Action dated August 20, 2007. By the present amendment, claim 20 has been amended to provide proper antecedent basis in response to the 35 USC §112, second paragraph, rejection set forth in paragraphs 2 through 4 of the Office Action. Accordingly, entry of this Amendment for purposes of providing proper antecedent basis, and overcoming the 35 USC §112, second paragraph, rejection is respectfully requested. In particular, entry of this Amendment in accordance with the provisions of 37 CFR §1.116 is respectfully requested for purposes of either placing the application in condition for allowance, by eliminating a rejection, or for purposes of placing the application in better condition for appeal by simplifying the appeal due to removing one of the rejections.

Reconsideration and removal of the 35 USC §103 rejection of independent claim 19 and its dependent claims 20-22 as being unpatentable over Osaka (JP 2001-27987, as translated by USP 6,654,270) in view of Simon (USP 7,126,437) is respectfully requested.

With regard to this rejection, it is noted that independent claim 1 specifically defines:

“wherein the coupling lengths of the directional couplers decrease as the respective distance of the directional couplers from the first semiconductor device increases.”

As discussed in the previous amendment of June 8, 2007, this feature is described in the present application with regard to the eighth embodiment of Fig. 13, which

teaches that the coupling length of the directional couplers 20-1 to 20-4 decreases as the respective distance of these couplers from the memory controller 1 increases. This feature is discussed in the specification, for example, on page 33.

In the Office Action, Fig. 1 of the Osaka reference is relied on to meet this feature. Specifically, the Office Action states in paragraph 7 on page 3 that Osaka teaches this feature due to the illustration of directional couplers identified with the numbers C2 and C3 in Fig. 1. Indeed, in Fig. 1, the line C3 is shorter than the line C2. However, it is respectfully submitted that this illustration in Fig. 1 of Osaka is simply a matter of drawing simplification, and not an indication of the actual structure being taught.

With regard to this, it is first noted that there is absolutely no discussion in the specification of Osaka of the coupler C2 being longer than the coupler C3. Quite to the contrary, Fig. 2 of Osaka clearly shows that the coupling links of C2 and C3 is identical. As such, in light of the fact that the specification is completely silent with regard to any differing for the couplers C2 and C3 and inasmuch as the drawings of Fig. 1 and 2 are clearly inconsistent with one another regarding the lengths, it is respectfully submitted that there is no basis for assuming that Fig. 1 is correct while Fig. 2 is incorrect. Quite to the contrary, because of the particular nature of Fig. 1, if it were accurately drawn to show an identical length (which can be accomplished in Fig. 2), the wirings of the directional couplers C2 and C3 would have overlapped each other, making the drawing difficult to understand. To put this another way, the fact that C3 is shown shorter than C2 in Fig. 1 is merely a matter of drawing simplification due to the simplified nature of Fig. 1. Fig. 2 is an actual illustration of a board arrangement of the first embodiment (e.g., see column 3, lines 40 and 41)

and, as such, certainly a more accurate representation of actual structure. Fig. 1 is simply described in column 3, line 39, as "a view for explaining a first embodiment." Therefore, clearly, Fig. 2 is a more accurate representation of the actual intended structure for the coupling length.

With regard to this matter, reference is made to the case of In Re Wilson, 136 USPQ 188 which notes that "patent drawings are not working drawings." More specifically, in that case, the CCPA stated:

"Both the Patent Office and Appellants have engaged in what appears to us to be a somewhat futile attempt to measure the thickness of Weisse coil strip and the Weisse lap spacing in their respective attempts to show whether the particular lap spacing recitations included in the claims now before us are or are not distinguishable from those disclosed by Weisse. Appellants, for example, conclude in typically precise fashion that the Weisse lap spacing is "about 30% - 60% greater than applicants top spacing."

"Patent drawings are not working drawings and this argument is predicated, moreover, on a greatly enlarged section of a small drawing obviously never intended to show the dimensions of anything." 136 USPQ at 192.

It is respectfully submitted that Fig. 1 of Osaka was also clearly "never intended to show the dimensions of anything." It is merely a view for a general illustration. In addition, it is clearly contrary to what one would expect to be a more accurate representation of actual dimensions, that is, Fig. 2 which is a "board arrangement of the first embodiment" and which clearly shows that C2 and C3 have the same length. And, once again, it should be borne in mind that the specification is completely silent on any difference in length between the two couplers.

In the case of In Re The Successor in Interest to Walter Anderson, 223 USPQ 378, the CAFC followed the CCPA decision of Wilson. In that case, the CAFC stated:

“The only support for the appellants position is found in one of the drawings in Winder. The appellant argues that a certain label on the drawings belies the boards interpretation of Winders timing sequence or, at least, renders Winder ambiguous as to its timing. We reject this argument. The reference drawing is merely a *simplified* schematic intended to provide a summary overview of Winders timing sequence. The timing ambiguity in this simplified drawing does not outweigh the consistent and unambiguous detailed teachings of the specification in mechanical drawings of the Winder patent.” 223 USPQ at 380.

Again, this corresponds to the present situation in which the simplified view in Fig. 1 is contrary to the more detailed illustration of Fig. 2 of Osaka, and also at odds with the specification, which does not discuss dimensions at all.

As a further point in this matter, it is noted that, in column 4, line 41 of the Osaka U.S. Patent, the statement is made that “the directional couplers are equivalent to ones of USP 5,638,402.” In that referenced USP, it is noted that the coupling portions are referred to as having a constant length L. As such, one constructing the directional couplers in accordance with Osaka’s directions in column 4, line 40 et seq., by referring to USP 5,638,402, would utilize coupling portions having a constant length L. Again, this would correspond to the more detailed illustration of Fig. 2 of Osaka. As such, it is urged that this serves as even further evidence that the illustration of different drawing length in Fig. 1 of Osaka is merely a point of drawing simplification, and clearly at odds with the more specific teachings of both Fig. 2 and the reference, in column 4, line 41 of the Osaka patent, to a USP using a constant length for coupling portions.


For the reasons set forth above, it is respectfully submitted that this important limitation of independent claim 18 is completely lacking from any of the cited references. As noted above, the relied on Fig. 1 of Osaka clearly is just a simplified drawing which does not teach or suggest this important limitation of the present

claims. Similarly, nothing in the secondary reference to Simon teaches or suggests this feature. Therefore, even if Simon were combined with Osaka, as suggested in the Office Action, the end result would still not have this important limitation regarding decreasing coupling lengths. Therefore, reconsideration and allowance of independent claim 19, and its dependent claims 20-22, is earnestly solicited.

If the Examiner believes that there are any other points which may be clarified or otherwise disposed of either by telephone discussion or by personal interview, the Examiner is invited to contact Applicants' undersigned attorney at the number indicated below.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Antonelli, Terry, Stout & Kraus, LLP Deposit Account No. 01-2135 (Docket No. 520.44478X00), and please credit any excess fees to such deposit account.

Respectfully submitted,
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